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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EON CORP. IP HOLDINGS, LLC,

Plaintiff,

vs.

SENSUS USA INC., et. al.,

Defendants.

Case No.: 3:12-CV-01011-JST

**DECLARATION OF ERIC J. KLEIN IN
SUPPORT OF HTC'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL**

I, Eric J. Klein, declare as follows:

1. I am an attorney at law, admitted *pro hac vice* to practice before this Court, and a partner at the law firm of Akin Gump Strauss Hauer & Feld LLP ("Akin Gump"), counsel of record for Defendant HTC America, Inc. ("HTC") in the above-titled action. I make this

1 declaration in support of HTC's Administrative Motion to File Documents Under Seal (the
2 "Motion to Seal").

3 2. As to the following facts, I know them to be true of my own knowledge.

4 3. I have personally reviewed Civil Local Rule 7-11, Civil Local Rule 79-5, this
5 Court's Standing Order Governing Administrative Motions to File Materials Under Seal, and the
6 instructions for e-filing under seal provided on the Court's website at
7 <http://cand.uscourts.gov/ecf/underseal>. Based on my understanding of these orders, rules, and
8 instructions, HTC has complied with them in filing the Motion to Seal.
9

10 4. Exhibit A of the Declaration of Fred I. Williams in support of Defendants' Motion
11 for Attorneys' Fees and Sanctions (the "Motion for Fees") is a spreadsheet with a detailed
12 description of the work performed by Akin Gump attorneys and paralegals since the Court's July
13 8, 2013, Order Construing and Determining Validity of Claims of United States Patent No.
14 5,592,491.
15

16 5. In some instances, the descriptions in the spreadsheet have been revised from what
17 appears on actual invoices to protect against the disclosure of attorney-client information, attorney
18 work product, or other highly sensitive litigation strategies. But the spreadsheet still summarizes
19 the nature of the work and the date of the work so the Court can evaluate the reasonableness of the
20 work performed.

21 6. The spreadsheet contains non-public, sensitive information about HTC's litigation
22 tactics and strategies. HTC stands to suffer great harm and would be placed in a vulnerable
23 position should this information become public.

24 7. Exhibits C and D of the Declaration of Fred I. Williams in support of the Motion for
25 Fees are copies of the Rebuttal Expert Report of Mark Lanning Regarding Non-Infringement of
26 U.S. Patent Number 5,592,491 and First Supplemental Rebuttal Expert Report of Mark Lanning
27 Regarding Non-Infringement of U.S. Patent Number 5,592,491. Under the interim protective
28 order governing this case, HTC has designated the information contained within as "Highly

1 Confidential – Attorney’s Eyes Only.” In particular, Exhibits C and D contain non-public
2 information about proprietary technology and expert opinions related this technology. HTC would
3 suffer substantial harm if these opinions regarding HTC’s proprietary technology and sensitive
4 information are released for public view.

5 8. The “good cause” standard applies because the Motion for Fees is non-dispositive.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct and that this declaration was executed this 28th day of May, 2014, at Dallas,
8 Texas.

9 /s/ Eric J. Klein
Eric J. Klein